

REMARKS

As a preliminary matter, Applicants note that the Examiner indicated that Claims 1-15 are pending in this application. However, Claims 1-16 are actually pending in this application, with the addition of new Claim 16 on page 15 of Amendment A.

As an additional preliminary matter, Applicants note that United States Patent No. 6,856,469 to Yoneyama et al. was relied upon by the Examiner in a §103 rejection on page 5 of the February 10, 2006 Office Action, but this reference is not yet of record. Applicants respectfully request that the Examiner make United States Patent No. 6,856,469 to Yoneyama et al. of record by listing it on a Notice of Reference Cited (Form PTO-892).

Applicants appreciate the Examiner's indication that Claims 8-10 contain allowable subject matter, and would be allowed if amended into independent form to include the subject matter of their associated base claims and any intervening claims. In response, Applicants have amended Claims 8-10 into independent form, and respectfully request an indication of the allowance of these claims.


Claims 1 and 2 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent Application Publication No. 2004/02311139 to Jurgenson. Claims 3, 4, 6, 7 and 11-15 stand rejected under 35 U.S.C. §103 as being unpatentable over Jurgenson. Claim 5 stands rejected under 35 U.S.C. §103 as being unpatentable over Jurgenson in view of United States Patent No. 6,856,469 to Yoneyama et al. Applicants respectfully traverse these rejections.

The Jurgenson reference, which is included in each of the three rejections listed above, has a filing date of May 20, 2003. The present application, which is a Continuation of PCT/JP01/06560, has an effective United States filing date of July 30, 2001, due to its status as a Continuation of the PCT application. Thus, the effective United States filing date of the present invention is earlier than the United States filing date of the Jurgenson reference. Accordingly, the Jurgenson reference does not qualify as prior art under §102(e) or under any other sub-sections of §102. Therefore, Applicants respectfully request that the §102(e) and §103 rejections of Claims 1-7 and 11-15 be withdrawn.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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May 10, 2006
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